

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 962006400-SKB

Comment Period: April 16 through May 7, 2003

Project Manager: Shannon K. Bryant (858) 674-6784

shannon.k.bryant@usace.army.mil

Applicant

San Diego Aircraft Carrier Museum
Attn: Chuck Nichols
1335 North Harbor Drive
San Diego, California 92101-3321
(619) 702-7704

Contact

Merkel & Associates, Inc.
Attn: Keith Merkel
5434 Ruffin Road
San Diego, CA 92123
(858) 5605465

Location

Adjacent to the south side of U.S. Navy Fleet and Industrial Supply Center Pier 11A and west of North Harbor Drive at F Street in San Diego Bay, San Diego County, California (Figure 1). USGS 7.5 minute topographic map Point Loma, CA quadrangle. (latitude:32°42'46" and longitude:117°10'30")

Activity

To establish a permanent mooring for the U.S. Aircraft Carrier Midway Museum that would require a 37.5 foot (ft) by 65 ft concrete platform (2438 square feet (sf) forward) with 24 concrete piles, a 35 ft by 50 ft concrete platform (1750 sf aft) with 20 concrete piles, and permanent mooring of the USS Midway. The USS Midway is a decommissioned; 54,000-ton; 1000-ft long by 258 ft wide by 222-ft high (approximately 100,000 sf) aircraft carrier with a 4.0 ac flight deck. The total area of impact would be 2.4 acres or about 104,188 sq ft (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - San Diego Field Office
ATTN: CESPL-CO--962006400-SKB
16885 W. Bernardo Drive, Suite 300-A
San Diego, California 92127

Alternatively, comments can be sent electronically to: shannon.k.bryant@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Coastal Zone Management- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The California Coastal Commission approved the proposed project as an element of the Port Master Plan Amendment #27 (North Embarcadero) on March 14, 2001. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

EFH Consultation- This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. An *EFH Assessment* for this project indicates the project would impact 2.4 acres (104,188 sf) of EFH utilized by six species of fish managed by the National Marine Fisheries Service (NMFS) under two Fishery Management Plans (FMPs), the Coastal Pelagics and Pacific Groundfish Management Plans. Four of the five fish managed under the Coastal Pelagics FMP represented in San Diego Bay include northern anchovy, Pacific sardine, chub mackerel, and jack mackerel. The two species managed under the Pacific Groundfish FMP and found in San Diego Bay include the California scorpionfish and the English sole. Initial determinations indicate the permanent increase of the in-water footprint for the proposed project would reduce the amount of open water habitat and increase bottom shading, which would impact primary productivity. Final determination relative to project completion impacts and the need for mitigation measures is

subject to review by and coordination with the National Marine Fisheries Service.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To establish a permanent mooring for the U.S. Aircraft Carrier Midway Museum that would require a 37.5-foot (ft) by 65 ft concrete platform (2438 square feet (sf) forward) with 24 concrete piles, a 35 ft by 50 ft concrete platform (1750 sf aft) with 20 concrete piles, and permanent mooring of the USS Midway. The USS Midway is a decommissioned; 54,000-ton; 1000-ft long by 258 ft wide by 222-ft high (approximately 100,000 sf) aircraft carrier with a 4.0 ac flight deck. The total area of impact would be 2.4 acres or about 104,188 sq ft (see attached drawings).

Additional Project Information

Background- The existing Pier 11A is a 989 ft long by 250 ft wide concrete pier structure on concrete piles and backfilled sheet piles. The pier currently is used for overflow parking.

Eelgrass- A site-specific eelgrass survey has not been performed. However, SW Division Naval Facilities Engineering Command in cooperation with the Port of San Diego completed a bay wide eelgrass survey in 2000. Eelgrass was not observed at or within 1km of the proposed project site. The water depths at this location are too deep to support eelgrass.

Construction- A barge-supported crane would be used to drive the pre-cast concrete piles for the breasting platforms. The platform decks would be formed and poured in place after the piles are driven. The site is located approximately 2.5 miles from the least tern nesting colonies at the NAS North Island and the applicant does not anticipate noise impacts. The applicant does not anticipate discharges of dredged or fill material.

Construction Timing- In-water construction is tentatively scheduled to begin May 2003. The applicant plans to bring the USS Midway to San Diego in the summer of 2003.

Proposed mitigation- The applicant has provided a conceptual mitigation plan that is currently being evaluated by the Corps. The applicant proposes to expand the existing marsh by excavating sediment from the surrounding upland habitat to create and restore several acres of coastal salt marsh and shallow water habitat along the Lovett Marsh. The marsh is located along tidal waters of the historic channel of the Sweetwater River, upstream of the Sweetwater River Marsh National Wildlife Refuge. Verification of the wetland delineation has not been completed for the proposed mitigation site.

If there is no appreciable public opposition, the Corps will process this permit request as a letter of permission after the close of the comment period. For additional information please call Shannon K. Bryant of my staff at (858) 674-6784. This public notice is issued by the Chief, Regulatory Branch.

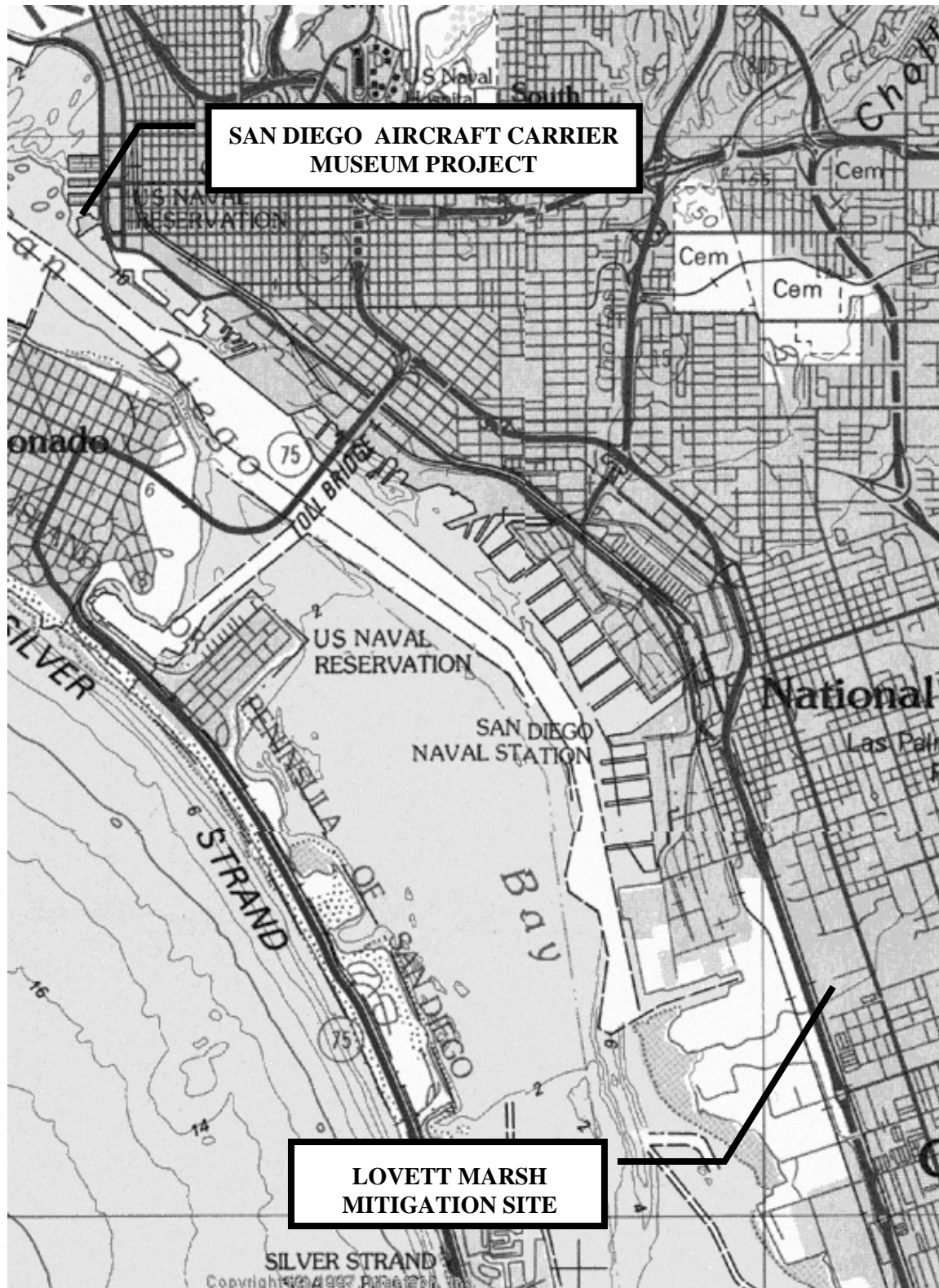


Figure 1. Vicinity map showing the location of the proposed San Diego Aircraft Carrier Museum Project (Midway Project) and Lovett Marsh mitigation site.

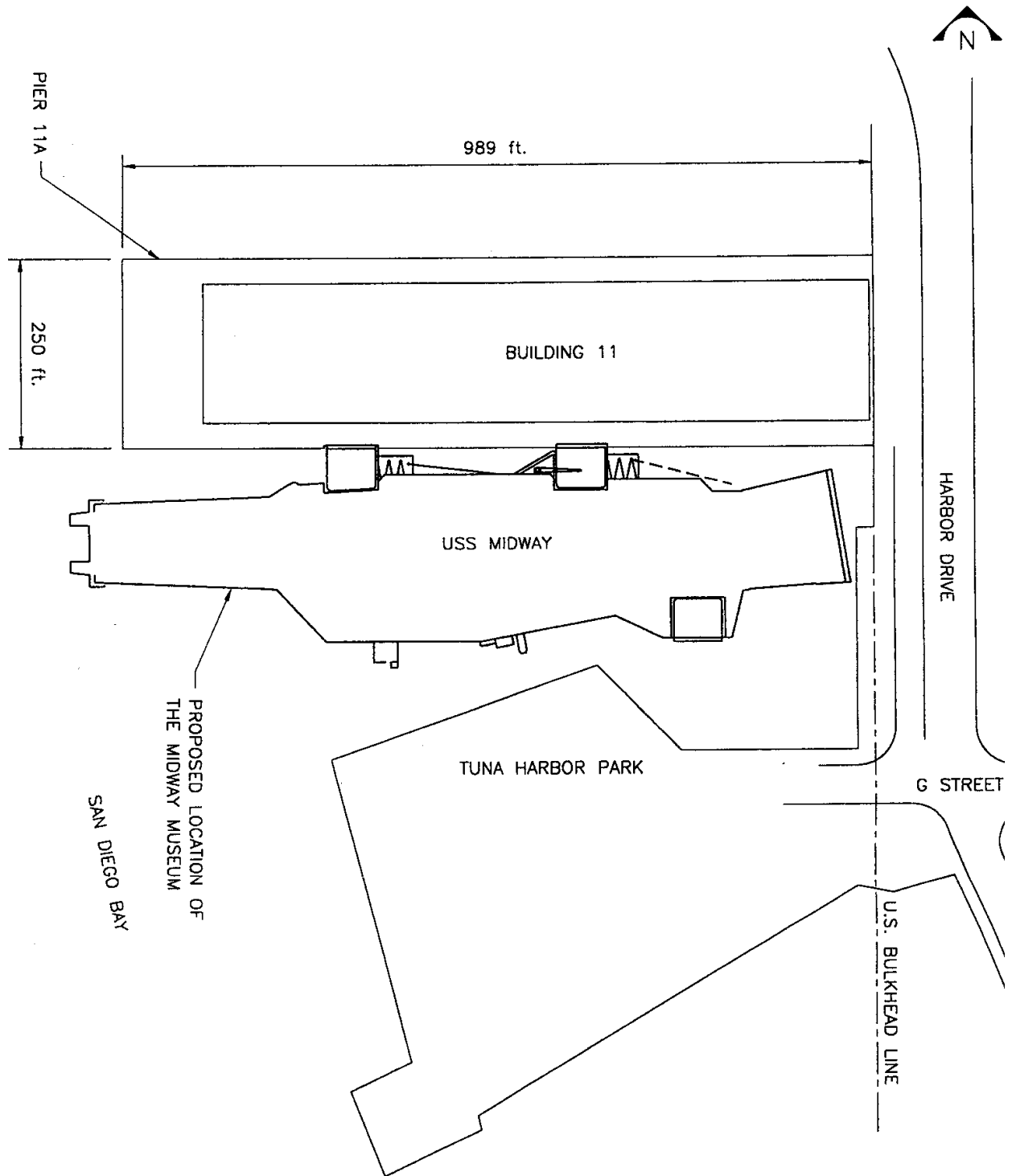


Figure 2. Site map showing the location of the proposed breasting platforms and the proposed mooring of the U.S.S. Midway at navy pier 11A near the intersection of Harbor Drive and G Street in San Diego, California.

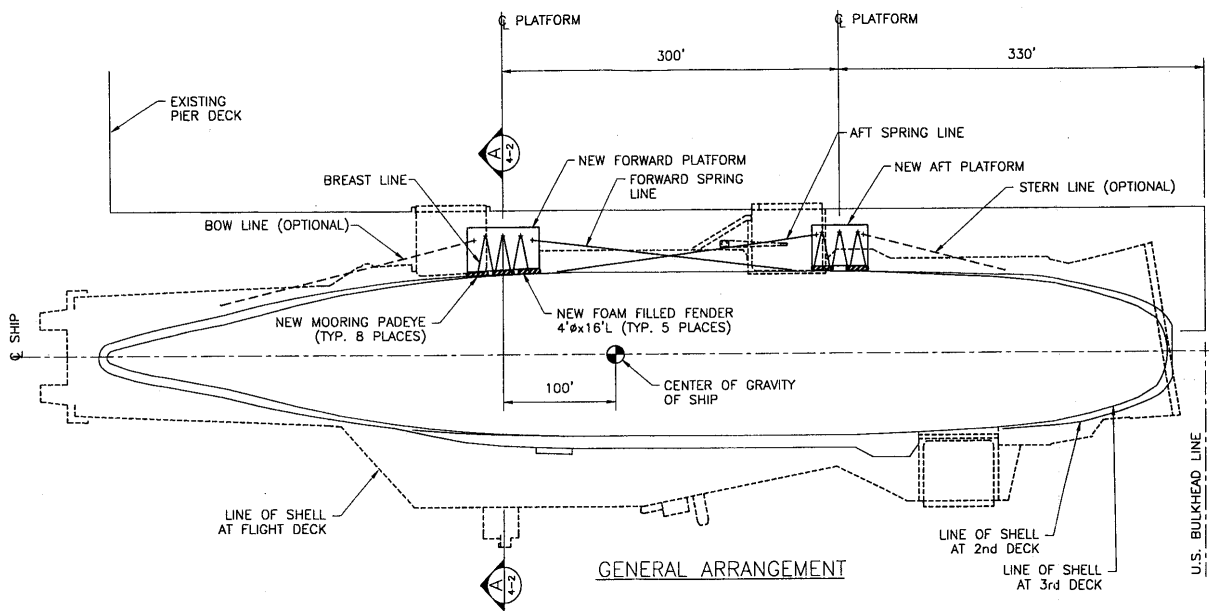


Figure 3a. Project site plan showing the existing pier 11A with the proposed breasting platforms and the proposed mooring of the U.S.S. Midway.

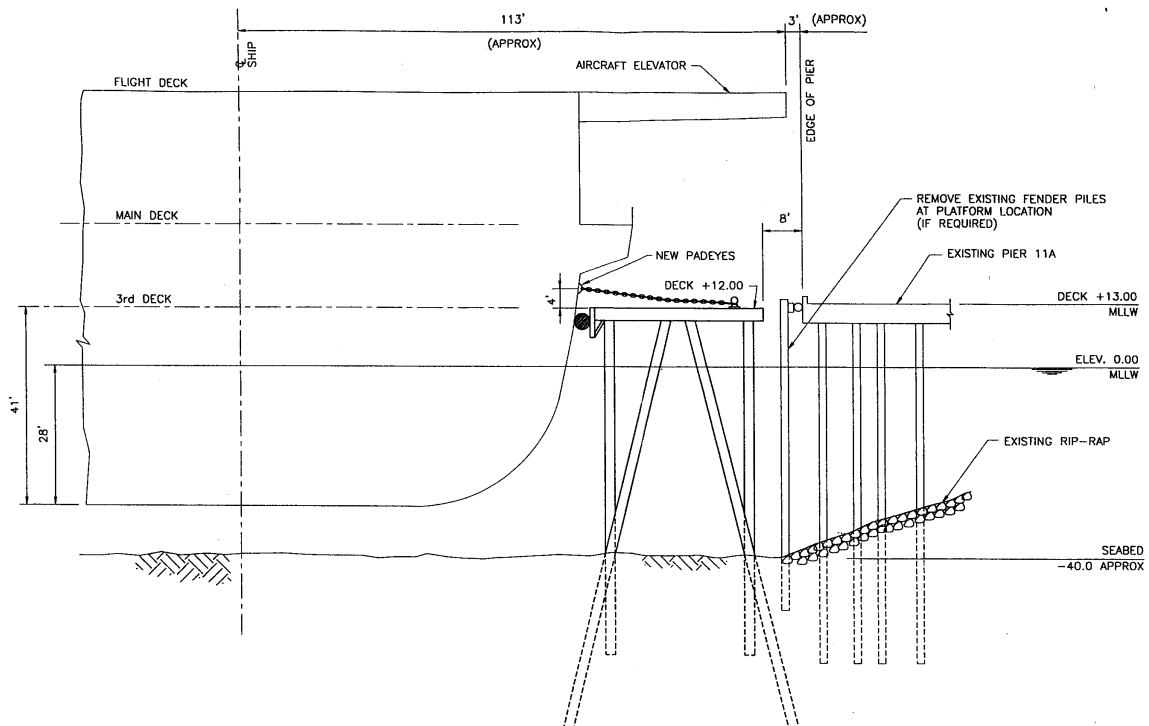


Figure 3b. Cross section of pier improvements and Midway hull in berthed position.